

PATENT COOPERATION TREATY

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From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

To:

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179 Queen Victoria Street
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GRANDE BRETAGNE

File	96 82-118
19 JUL 2006	
Frank B. Dehn & Co. RECEIVED	
ANSO	Date of mailing (day/month/year)

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
REPORT ON PATENTABILITY

(PCT Rule 71.1)

Date of mailing
(day/month/year)

17.07.2006

Applicant's or agent's file reference 96.84.82518	IMPORTANT NOTIFICATION	
International application No. PCT/IB2004/001582	International filing date (day/month/year) 30.04.2004	Priority date (day/month/year) 30.04.2004
Applicant OTIS ELEVATOR COMPANY et al.		

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary report on patentability and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary report on patentability. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

The applicant's attention is drawn to Article 33(5), which provides that the criteria of novelty, inventive step and industrial applicability described in Article 33(2) to (4) merely serve the purposes of international preliminary examination and that "any Contracting State may apply additional or different criteria for the purposes of deciding whether, in that State, the claimed inventions is patentable or not" (see also Article 27(5)). Such additional criteria may relate, for example, to exemptions from patentability, requirements for enabling disclosure, clarity and support for the claims.

CTIG IP DEPT.
DOCKETED 9/11/06
ACTION I PGP
DUE DATE

Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer ATTY UAB Moris, A Tel. +49 89 2399-2973
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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 96.84.82518	FOR FURTHER ACTION	
	See Form PCT/IPEA/416	
International application No. PCT/IB2004/001582	International filing date (day/month/year) 30.04.2004	Priority date (day/month/year) 30.04.2004
International Patent Classification (IPC) or national classification and IPC INV. B66B5/00 B66B11/02		
Applicant OTIS ELEVATOR COMPANY et al.		

<ol style="list-style-type: none"> This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36. This REPORT consists of a total of 4 sheets, including this cover sheet. This report is also accompanied by ANNEXES, comprising: <ol style="list-style-type: none"> <input checked="" type="checkbox"/> sent to the applicant and to the International Bureau) a total of 7 sheets, as follows: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) ; containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
<ol style="list-style-type: none"> This report contains indications relating to the following items: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand 24.02.2006	Date of completion of this report 17.07.2006
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Eckenschwiller, A Telephone No. +49 89 2399-2088
	

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/B2004/001582

Box No. I Basis of the report

1. With regard to the **language**, this report is based on
 - the international application in the language in which it was filed
 - a translation of the international application into , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3(a) and 23.1(b))
 - publication of the international application (under Rule 12.4(a))
 - international preliminary examination (under Rules 55.2(a) and/or 55.3(a))
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-4, 6-8	as originally filed
5	received on 28.02.2006 with letter of 24.02.2006

Claims, Numbers

1-11	received on 28.06.2006 with letter of 28.06.2006
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Drawings, Sheets

1/4-4/4	received on 28.02.2006 with letter of 24.02.2006
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a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):
4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superceded."

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**International application No.
PCT/IB2004/001582**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N) Yes: Claims 1-11

No: Claims

Inventive step (IS) Yes: Claims 1-11

No: Claims

Industrial applicability (IA) Yes: Claims 1-11

No: Claims

2. Citations and explanations (Rule 70.7):**see separate sheet****Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

see separate sheet

Section V

1. JP-A-2002020062, which is considered to represent the closest prior art, discloses an elevator car 1 comprising a cover 5 extending over the top portion of the car, said cover being mounted on a resilient support, the car further comprising detection means 19 for detecting displacement of the cover corresponding to a weight exceeding a predetermined threshold being applied to the cover, the car being arranged so as to prevent normal operation if said displacement has been detected, wherein a retractable balustrade 23 is provided on said cover.

The subject-matter of claim 1 differs in that the cover is provided on or by a retractable balustrade. Therefore the subject-matter of claim 1 is new (Article 33(2) PCT).

The problem to be solved may be regarded as providing a simple safety system on the top of an elevator car.

The balustrade in JP-A-2002020062 is provided on the cover such that the balustrade and the cover can each be operated independently of the other. This is not the case in the present application since the cover is provided on or by the retractable balustrade, so that the function of the cover is combined with the function of the retractable balustrade. The advantage is that the cover combines the function of a safety cover per se as well as the function of a balustrade. Such a combined arrangement is also not rendered obvious by GB-A-2379654, which does not show a balustrade. Therefore the subject-matter of claim 1 is inventive (Article 33(3) PCT).

2. Claims 2-11 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

Section VIII

1. The subject-matter of claim 1 is clear (Article 6 PCT) because there is a contradiction between its subject-matter and the passage of the description, page 8, l. 11-14.